



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/04/2011 (Per: CMH)

A ☞ The 2011 drafting file for LRB-0805

B ☞ The 2011 drafting file for LRB-0808

C ☞ The 2011 drafting file for LRB-1059

D ☞ The 2011 drafting file for LRB-1369

☞ Compile Draft – Appendix B ... segment III

has been tranfered to the drafting file for

2011 LRB-1465*

* One of the compile drafts used in the creation of AB 40 & SB 27 (2011 Budget Bill)

Pt. 58

1 **SECTION 151.** 42.09 (3) (b) of the statutes is amended to read:

2 42.09 (3) (b) The board shall develop policies encouraging each private person
3 entering into an agreement with the board under this subsection to agree that his
4 or her goal shall be to ensure that at least 25% of the employees hired to perform
5 construction work in connection with state fair park facilities or to perform
6 professional services in connection with the construction or development of those
7 facilities will be minority group members, as defined in s. ~~560.036~~ ^{✓✓}490.04 (1) (f), and
8 that at least 5% of the employees hired to perform construction work in connection
9 with state fair park facilities or to perform professional services in connection with
10 the construction or development of those facilities will be women.

History: 1989 a. 219 s. 32; Stats. 1989 s. 42.09; 1995 a. 27; 1999 a. 197; 2001 a. 16.

11 **SECTION 152.** 44.53 (1) (h) of the statutes is amended to read:

12 44.53 (1) (h) Annually, award an amount equal to at least 5% of all state and
13 federal funds received by the board in that year for grants to artists and arts
14 organizations to artists who are minority group members and arts groups composed
15 principally of minority group members. In this paragraph, "minority group member"
16 has the meaning specified in s. ~~560.036~~ ^{✓✓}490.04 (1) (f).

History: 1973 c. 90; 1981 c. 20; 1983 a. 27 s. 933; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1999 a. 9; 2003 a. 33; 2005 a. 25.

17 **SECTION 153.** 46.90 (1) (gr) 3. of the statutes is amended to read:

18 46.90 (1) (gr) 3. The department of ~~regulation and licensing~~ [✓]safety and
19 professional services.

History: 1983 a. 398; 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264, 388; 2007 a. 20 s. 9121 (6) (a); 2007 a. 45; 2009 a. 319.

20 **SECTION 154.** 46.90 (5m) (br) 5. of the statutes is amended to read:

21 46.90 (5m) (br) 5. Refer the case to the department of ~~regulation and licensing~~
22 [✓]safety and professional services if the financial exploitation, neglect, self-neglect, or

1 abuse involves an individual who is required to hold a credential, as defined in s.
2 440.01 (2) (a), under chs. 440 to 460.

History: 1983 a. 398, 1985 a. 176; 1989 a. 31; 1991 a. 39, 235; 1993 a. 27; 1995 a. 27 ss. 2334, 9130 (4); 1995 a. 225; 1997 a. 3, 131; 1999 a. 82; 2003 a. 33; 2005 a. 264, 388; 2007 a. 20 s. 9121 (6) (a); 2007 a. 45; 2009 a. 319.

3 **SECTION 155.** 48.685 (2) (am) 3. of the statutes is amended to read:

4 48.685 (2) (am) 3. Information maintained by the department of ~~regulation and~~
5 licensing safety and professional services regarding the status of the person's
6 credentials, if applicable.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; s. 13.92 (2) (i).

7 **SECTION 156.** 48.685 (2) (b) 1. c. of the statutes is amended to read:

8 48.685 (2) (b) 1. c. Information maintained by the department of ~~regulation and~~
9 licensing safety and professional services regarding the status of the person's
10 credentials, if applicable.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; s. 13.92 (2) (i).

11 **SECTION 157.** 48.685 (4m) (a) 5. of the statutes is amended to read:

12 48.685 (4m) (a) 5. That, in the case of a position for which the person must be
13 credentialed by the department of ~~regulation and licensing~~ safety and professional
14 services, the person's credential is not current or is limited so as to restrict the person
15 from providing adequate care to a client.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; s. 13.92 (2) (i).

16 **SECTION 158.** 48.685 (4m) (b) 5. of the statutes is amended to read:

17 48.685 (4m) (b) 5. That, in the case of a position for which the person must be
18 credentialed by the department of ~~regulation and licensing~~ safety and professional
19 services, the person's credential is not current or is limited so as to restrict the person
20 from providing adequate care to a client.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; s. 13.92 (2) (i).

21 **SECTION 159.** 48.78 (2) (g) of the statutes is amended to read:

1 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing
2 information about an individual in its care or legal custody on the written request
3 of the department of ~~regulation and licensing~~ safety and professional services ✓ or of
4 any interested examining board or affiliated credentialing board in that department
5 for use in any investigation or proceeding relating to any alleged misconduct by any
6 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.
7 Unless authorized by an order of the court, the department of ~~regulation and~~
8 licensing safety and professional services ✓ and any examining board or affiliated
9 credentialing board in that department shall keep confidential any information
10 obtained under this paragraph and may not disclose the name of or any other
11 identifying information about the individual who is the subject of the information
12 disclosed, except to the extent that redisclosure of that information is necessary for
13 the conduct of the investigation or proceeding for which that information was
14 obtained.

History: 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292; 2001 a. 38, 69, 104, 109; 2005 a. 25, 293, 344, 406, 434; 2007 a. 20 ss. 1364, 9121 (6) (a); 2009 a. 79, 185, 302, 338; s. 13.92 (2) (i).

15 **SECTION 160.** 49.165 (2) (c) (intro.) of the statutes is amended to read:

16 49.165 (2) (c) (intro.) No grant may be made to an organization which provides
17 or will provide shelter facilities unless the department of ~~commerce~~ safety and ✓
18 professional services determines that the physical plant of the facility will not be
19 dangerous to the health or safety of the residents when the facility is in operation.
20 No grant may be given to an organization which provides or will provide shelter
21 facilities or private home shelter care unless the organization ensures that the

following services will be provided either by that organization or by another organization, person or agency:

History: 1979 c. 111; 1979 c. 355 s. 241; 1981 c. 20 ss. 792c, 792m, 2202 (20) (s); 1983 a. 27 ss. 997m, 998, 2202 (20); 1983 a. 204; 1985 a. 29; 1987 a. 332, 399; 1989 a. 31; 1991 a. 39, 96; 1993 a. 16, 227, 246, 319, 491; 1995 a. 27 ss. 2337 to 2345, 9116 (5); 1997 a. 27, 292; 1999 a. 9, 162; 2005 a. 25, 278; 2007 a. 1; 2007 a. 20 ss. 1181 to 1200; Stats. 2007 s. 49.165.

SECTION 161. 49.47 (4) (i) 1. of the statutes is amended to read:

49.47 (4) (i) 1. The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of subd. 2. The waiver shall request approval to implement the waiver on a statewide basis, unless the department of health services determines that statewide implementation of the waiver would present an obstacle to the approval of the waiver by the secretary of the federal department of health and human services, in which case the waiver shall request approval to implement the waiver in 48 pilot counties to be selected by the department of health services. Within 30 days after August 12, 1993, the department of ~~regulation and licensing~~ [✓] safety and professional services shall notify funeral directors licensed under ch. 445, cemetery associations, as defined in s. 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of the waiver required to be requested under this subdivision. If the waiver is approved by the secretary of the federal department of health and human services and if the waiver remains in effect, subd. 2. shall apply.

History: 1971 c. 125; 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90, 147, 333; 1977 c. 29 ss. 593, 1656 (18); 1977 c. 105 s. 59; 1977 c. 273, 418; 1979 c. 34; 1981 c. 20, 93; 1981 c. 314 s. 144; 1983 a. 27, 245; 1985 a. 29; 1987 a. 27, 307, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1462k to 1466d, 2909c to 2909i; 1989 a. 173, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 269, 277, 437; 1995 a. 27 ss. 3026 to 3028, 9126 (19); 1995 a. 225, 289, 295; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25, 253; 2007 a. 11, a. 20 ss. 1596 to 1604, 9121 (6) (a); 2009 a. 28, 180.

SECTION 162. 49.857 (1) (c) of the statutes is amended to read:

49.857 (1) (c) "Credentialing board" means a board, examining board or affiliated credentialing board in the department of ~~regulation and licensing~~ [✓] safety and professional services that grants a credential.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

SECTION 163. 49.857 (2) (b) 1. of the statutes is amended to read:

1 49.857 (2) (b) 1. The circumstances under which the licensing authority or the
2 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or
3 issue or refuse to renew or revalidate a license and guidelines for determining the
4 appropriate action to take. The memorandum of understanding with the
5 department of ~~regulation and licensing~~ safety and professional services shall include
6 the circumstances under which the department of ~~regulation and licensing~~ safety
7 and professional services shall direct a credentialing board to restrict, limit,
8 suspend, withhold, deny or refuse to grant a credential and guidelines for
9 determining the appropriate action to take. The guidelines under this subdivision
10 for determining the appropriate action to take shall require the consideration of
11 whether the action is likely to have an adverse effect on public health, safety or
12 welfare or on the environment, and of whether the action is likely to adversely affect
13 individuals other than the individual holding or applying for the license, such as
14 employees of that individual.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

15 **SECTION 164.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

16 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
17 delinquency in support or a failure to comply with a subpoena or warrant. The
18 memorandum of understanding with the department of ~~regulation and licensing~~
19 safety and professional services shall include procedures for the department of
20 ~~regulation and licensing~~ safety and professional services to notify a credentialing
21 board that a certification of delinquency in support or failure to comply with a
22 subpoena or warrant has been made by the department of children and families with

1 respect to an individual who holds or applied for a credential granted by the
2 credentialing board.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

3 **SECTION 165.** 49.857 (2) (b) 2. c. of the statutes is amended to read:

4 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an
5 individual has paid delinquent support or made satisfactory alternative payment
6 arrangements or satisfied the requirements under a subpoena or warrant. The
7 memorandum of understanding with the department of ~~regulation and licensing~~
8 safety and professional services shall include procedures for the department of
9 ~~regulation and licensing~~ safety and professional services to notify a credentialing
10 board that an individual who holds or applied for a credential granted by the
11 credentialing board has paid delinquent support or made satisfactory alternative
12 payment arrangements or satisfied the requirements under a subpoena or warrant.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

13 **SECTION 166.** 49.857 (2) (b) 3. a. of the statutes is amended to read:

14 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,
15 refusing to grant or issue or refusing to renew or revalidate a license. The
16 memorandum of understanding with the department of ~~regulation and licensing~~
17 safety and professional services shall include procedures for the department of
18 ~~regulation and licensing~~ safety and professional services to direct a credentialing
19 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

20 **SECTION 167.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

21 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children
22 and families notifies the licensing authority or licensing agency that an individual
23 who was delinquent in making court-ordered payments of support has paid the
24 delinquent support or made satisfactory alternative payment arrangements or that

1 an individual who failed to comply with a subpoena or warrant has satisfied the
2 requirements under the subpoena or warrant. The memorandum of understanding
3 with the department of ~~regulation and licensing~~ safety and professional services
4 shall include procedures for the department of ~~regulation and licensing~~ safety and
5 professional services to direct a credentialing board to grant or reinstate a credential
6 if the department of children and families notifies the department of ~~regulation and~~
7 ~~licensing~~ safety and professional services that an individual who holds or applied for
8 a credential granted by the credentialing board has paid the delinquent support or
9 made satisfactory alternative payment arrangements or that an individual who
10 failed to comply with a subpoena or warrant has satisfied the requirements under
11 the subpoena or warrant.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

12 **SECTION 168.** 49.857 (3) (a) 1. of the statutes is amended to read:

13 49.857 (3) (a) 1. That a certification of delinquency in paying support will be
14 made to a licensing authority, a licensing agency or, with respect to a credential
15 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
16 and professional services.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

17 **SECTION 169.** 49.857 (3) (am) 1. of the statutes is amended to read:

18 49.857 (3) (am) 1. That the individual's name has been placed on a certification
19 list, which will be provided to a licensing authority, a licensing agency or, with respect
20 to a credential granted by a credentialing board, the department of ~~regulation and~~
21 ~~licensing~~ safety and professional services.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

22 **SECTION 170.** 49.857 (3) (b) 1. of the statutes is amended to read:

23 49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena
24 or warrant will be made to a licensing authority, a licensing agency or, with respect

1 to a credential granted by a credentialing board, the department of ~~regulation and~~
2 ~~licensing~~ safety and professional services.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

3 **SECTION 171.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

4 49.857 (3) (c) (intro.) If the department of children and families provides a
5 certification list to a licensing authority, a licensing agency or, with respect to a
6 credential granted by a credentialing board, the department of ~~regulation and~~
7 ~~licensing~~ safety and professional services, upon receipt of the list the licensing
8 authority if the licensing authority agrees, the licensing agency or, with respect to
9 a credential granted by a credentialing board, the department of ~~regulation and~~
10 ~~licensing~~ safety and professional services shall do all of the following:

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

11 **SECTION 172.** 49.857 (3) (d) 1. of the statutes is amended to read:

12 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
13 delinquent support, is denied a license or whose license, on the basis of delinquent
14 support, is restricted, limited, suspended, or refused renewal or revalidation under
15 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
16 amount of support in full or makes satisfactory alternative payment arrangements,
17 the department of children and families shall immediately notify the licensing
18 authority or licensing agency to issue or reinstate the individual's license as provided
19 in the memorandum of understanding. If the individual held or applied for a
20 credential granted by a credentialing board, the department of ~~regulation and~~
21 ~~licensing~~ safety and professional services shall, upon notice by the department of
22 children and families, notify the credentialing board to grant or reinstate the
23 individual's credential.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

24 **SECTION 173.** 49.857 (3) (d) 2. of the statutes is amended to read:

1 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
2 failure to comply with a subpoena or warrant, is denied a license or whose license,
3 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
4 suspended, or refused renewal or revalidation under a memorandum of
5 understanding entered into under sub. (2) (b) satisfies the requirements under the
6 subpoena or warrant, the department of children and families shall immediately
7 notify the licensing authority or licensing agency to issue or reinstate the individual's
8 license as provided in the memorandum of understanding. If the individual held or
9 applied for a credential granted by a credentialing board, the department of
10 ~~regulation and licensing~~ [✓] safety and professional services shall, upon notice by the
11 department of children and families, notify the credentialing board to grant or
12 reinstate the individual's credential.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

13 **SECTION 174.** 49.857 (4) of the statutes is amended to read:

14 49.857 (4) Each licensing agency shall enter into a memorandum of
15 understanding with the department of children and families under sub. (2) (b) and
16 shall cooperate with the department of children and families in its administration
17 of s. 49.22. The department of ~~regulation and licensing~~ [✓] safety and professional
18 services shall enter into a memorandum of understanding with the department of
19 children and families on behalf of a credentialing board with respect to a credential
20 granted by the credentialing board.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405.

21 **SECTION 175.** 50.02 (1) of the statutes is amended to read:

22 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
23 statewide licensing, inspection, and regulation of community-based residential
24 facilities and nursing homes as provided in this subchapter. The department shall

1 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
2 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.
3 Nothing in this subchapter may be construed to limit the authority of the department
4 of ~~commerce~~ safety and professional services or of municipalities to set standards of
5 building safety and hygiene, but any local orders of municipalities shall be consistent
6 with uniform, statewide regulation of community-based residential facilities. The
7 department may not prohibit any nursing home from distributing over-the-counter
8 drugs from bulk supply. The department may consult with nursing homes as needed
9 and may provide specialized consultations when requested by any nursing home,
10 separate from its inspection process, to scrutinize any particular questions the
11 nursing home raises. The department shall, by rule, define "specialized
12 consultation".

History: 1971 c. 125, 161; 1973 c. 122, 323, 327, 333; 1975 c. 119, 260; 1975 c. 413 ss. 5 to 8; 1977 c. 29, 170, 418; 1981 c. 20, 121, 391; 1983 a. 542; 1985 a. 29; 1987 a. 161; 1989 a. 336; 1991 a. 250; 1993 a. 16, 327; 1995 a. 27 ss. 3222 to 3225, 9116 (5); 1995 a. 98; 1997 a. 237; 1999 a. 9, 103; 2005 a. 264, 387; 2007 a. 20; 2009 a. 28.

13 **SECTION 176.** 50.02 (2) (a) of the statutes is amended to read:

14 50.02 (2) (a) The department, by rule, shall develop, establish and enforce
15 regulations and standards for the care, treatment, health, safety, rights, welfare and
16 comfort of residents in community-based residential facilities and nursing homes
17 and for the construction, general hygiene, maintenance and operation of those
18 facilities which, in the light of advancing knowledge, will promote safe and adequate
19 accommodation, care and treatment of residents in those facilities; and promulgate
20 and enforce rules consistent with this section. Such standards and rules shall
21 provide that intermediate care facilities, which have 16 or fewer beds may, if
22 exempted from meeting certain physical plant, staffing and other requirements of
23 the federal regulations, be exempted from meeting the corresponding provisions of
24 the department's standards and rules. The department shall consult with the

department of ~~commerce~~ [✓] safety and professional services when developing exemptions relating to physical plant requirements.

History: 1971 c. 125, 161; 1973 c. 122, 323, 327, 333; 1975 c. 119, 260; 1975 c. 413 ss. 5 to 8; 1977 c. 29, 170, 418; 1981 c. 20, 121, 391; 1983 a. 542; 1985 a. 29; 1987 a. 161; 1989 a. 336; 1991 a. 250; 1993 a. 16, 327; 1995 a. 27 ss. 3222 to 3225, 9116 (5); 1995 a. 98; 1997 a. 237; 1999 a. 9, 103; 2005 a. 264, 387; 2007 a. 20; 2009 a. 28.

SECTION 177. 50.035 (2) (a) 3. of the statutes is amended to read:

50.035 (2) (a) 3. The department or the department of ~~commerce~~ [✓] safety and professional services may waive the requirement under subd. 1. or 2. for a community-based residential facility that has a smoke detection or sprinkler system in place that is at least as effective for fire protection as the type of system required under the relevant subdivision.

History: 1983 a. 363; 1985 a. 176; 1987 a. 403 ss. 67, 256; 1989 a. 336; 1991 a. 39; 1995 a. 27 ss. 3235 to 3237, 9116 (5); 1997 a. 27, 114, 237; 1999 a. 9, 32, 103, 186; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2009 a. 28.

SECTION 178. 50.035 (2) (b) (intro.) of the statutes is amended to read:

50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails to receive the approval of the department or of the department of ~~commerce~~ [✓] safety and professional services. At least one smoke detector shall be located at each of the following locations:

History: 1983 a. 363; 1985 a. 176; 1987 a. 403 ss. 67, 256; 1989 a. 336; 1991 a. 39; 1995 a. 27 ss. 3235 to 3237, 9116 (5); 1997 a. 27, 114, 237; 1999 a. 9, 32, 103, 186; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2009 a. 28.

SECTION 179. 50.065 (2) (am) 3. of the statutes is amended to read:

50.065 (2) (am) 3. Information maintained by the department of ~~regulation and licensing~~ [✓] safety and professional services regarding the status of the person's credentials, if applicable.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 116, 130, 153, 172; 2009 a. 276.

SECTION 180. 50.065 (2) (b) 3. of the statutes is amended to read:

50.065 (2) (b) 3. Information maintained by the department of ~~regulation and licensing~~ [✓] safety and professional services regarding the status of the person's credentials, if applicable.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 116, 130, 153, 172; 2009 a. 276.

SECTION 181. 50.065 (4m) (a) 5. of the statutes is amended to read:

1 50.065 (4m) (a) 5. That, in the case of a position for which the person must be
2 credentialed by the department of ~~regulation and licensing~~ [✓] safety and professional
3 services, the person's credential is not current or is limited so as to restrict the person
4 from providing adequate care to a client.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 116, 130, 153, 172; 2009 a. 276.

5 **SECTION 182.** 50.065 (4m) (b) 5. of the statutes is amended to read:

6 50.065 (4m) (b) 5. That, in the case of a position for which the person must be
7 credentialed by the department of ~~regulation and licensing~~ [✓] safety and professional
8 services, the person's credential is not current or is limited so as to restrict the person
9 from providing adequate care to a client.

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 116, 130, 153, 172; 2009 a. 276.

10 **SECTION 183.** 50.36 (1) of the statutes is amended to read:

11 50.36 (1) The department shall promulgate, adopt, amend and enforce such
12 rules and standards for hospitals for the construction, maintenance and operation
13 of the hospitals deemed necessary to provide safe and adequate care and treatment
14 of the patients in the hospitals and to protect the health and safety of the patients
15 and employees; and nothing contained herein shall pertain to a person licensed to
16 practice medicine and surgery or dentistry. The building codes and construction
17 standards of the department of ~~commerce~~ [✓] safety and professional services shall
18 apply to all hospitals and the department may adopt additional construction codes
19 and standards for hospitals, provided they are not lower than the requirements of
20 the department of ~~commerce~~ [✓] safety and professional services. Except for the
21 construction codes and standards of the department of ~~commerce~~ [✓] safety and
22 professional services and except as provided in s. 50.39 (3), the department shall be
23 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

History: 1971 c. 211; 1975 c. 383 s. 4; 1975 c. 413 ss. 4, 18; 1975 c. 421; Stats. 1975 s. 50.36; 1977 c. 29; 1979 c. 34; 1981 c. 135; 1985 a. 340; 1989 a. 37; 1991 a. 129; 1993 a. 16, 30, 270; 1995 a. 27 ss. 3245, 3246, 9116 (5); 1997 a. 175; 1999 a. 9; 2001 a. 109; 2007 a. 20, 104; 2009 a. 28, 42, 113, 180; s. 13.92 (1) (bm) 2.

1 **SECTION 184.** 50.36 (6) of the statutes is amended to read:

2 **50.36 (6)** If the department receives a credible complaint that a pharmacy
3 located in a hospital has violated its duty to dispense contraceptive drugs and devices
4 under s. 450.095 (2), the department shall refer the complaint to the department of
5 ~~regulation and licensing~~ safety and professional services.

History: 1971 c. 211; 1975 c. 383 s. 4; 1975 c. 413 ss. 4, 18; 1975 c. 421; Stats. 1975 s. 50.36; 1977 c. 29; 1979 c. 34; 1981 c. 135; 1985 a. 340; 1989 a. 37; 1991 a. 129; 1993 a. 16, 30, 270; 1995 a. 27 ss. 3245, 3246, 9116 (5); 1997 a. 175; 1999 a. 9; 2001 a. 109; 2007 a. 20, 104; 2009 a. 28, 42, 113, 180; s. 13.92 (1) (bm) 2.

6 **SECTION 185.** 51.42 (7) (a) 7. of the statutes is amended to read:

7 **51.42 (7) (a) 7.** Develop a program in consultation with the department of
8 ~~regulation and licensing~~ safety and professional services to use voluntary,
9 uncompensated services of licensed or certified professionals to assist the
10 department of health services in evaluating community mental health programs in
11 exchange for continuing education credits for the professionals under ss. 448.40 (2)
12 (e) and 455.065 (5).

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9; 2001 a. 10, 16, 38; 2003 a. 320; 2005 a. 264, 388, 431, 434; 2007 a. 20 ss. 1819m to 1821, 9121 (6) (a); 2007 a. 45, 97; 2009 a. 28, 180, 276, 334.

13 **SECTION 186.** 55.043 (4) (b) 5. of the statutes is amended to read:

14 **55.043 (4) (b) 5.** Refer the case to the department of ~~regulation and licensing~~
15 ~~safety and professional services~~ if the financial exploitation, neglect, self-neglect, or
16 abuse involves an individual who is required to hold a credential, as defined in s.
17 440.01 (2) (a), under chs. 440 to 460.

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103; 2005 a. 264, 388; 2007 a. 45.

18 **SECTION 187.** 59.27 (10) of the statutes is amended to read:

19 **59.27 (10)** To enforce in the county all general orders of the department of
20 ~~commerce~~ safety and professional services relating to the sale, transportation and
21 storage of explosives.

History: 1973 c. 157; 1977 c. 203, 418, 449; 1989 a. 248; 1991 a. 316; 1995 a. 27 ss. 3288, 3289, 9116 (5); 1995 a. 201 ss. 276 to 281; Stats. 1995 s. 59.27; 1995 a. 225 s. 156; 1997 a. 27, 35; 2005 a. 40.

22 **SECTION 188.** 59.57 (1) (b) of the statutes is amended to read:

1 59.57 (1) (b) If a county with a population of 500,000 or more appropriates
2 money under par. (a) to fund nonprofit agencies, the county shall have a goal of
3 expending 20% of the money appropriated for this purpose to fund a nonprofit agency
4 that is actively managed by minority group members, as defined in s. ~~560.036~~ [✓] 490.04 [✓]
5 (1) (f), and that principally serves minority group members.

History: 1995 a. 27 s. 9116; 1995 a. 201 ss. 187, 239, 374; 1997 a. 39, 79; 1999 a. 83; 2005 a. 227, 357.

6 **SECTION 189.** 59.691 (2) (b) 1. of the statutes is amended to read:

7 59.691 (2) (b) 1. A county is not required to give the notice under par. (a) at the
8 time that it issues a building permit if the county issues the building permit on a
9 standard building permit form prescribed by the department of ~~commerce~~ [✓] safety and
10 professional services.

History: 2009 a. 373.

11 **SECTION 190.** 60.625 (2) (b) 1. of the statutes is amended to read:

12 60.625 (2) (b) 1. A town is not required to give the notice under par. (a) at the
13 time that it issues a building permit if the town issues the building permit on a
14 standard building permit form prescribed by the department of ~~commerce~~ [✓] safety and
15 professional services.

History: 2009 a. 373.

16 **SECTION 191.** 60.71 (4) (b) of the statutes is amended to read:

17 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the
18 hearing. The notice shall contain an announcement of the hearing and a description
19 of the boundaries of the proposed town sanitary district. The town board shall mail
20 the notice to the department of ~~commerce~~ [✓] safety and professional services and the
21 department of natural resources at least 10 days prior to the hearing.

History: 1983 a. 532; 1985 a. 281; 1987 a. 77; 1993 a. 301; 1995 a. 27 ss. 3302, 3303, 9116 (5); 2001 a. 88.

22 **SECTION 192.** 60.71 (4) (c) of the statutes is amended to read:

1 60.71 (4) (c) Any person may file written comments on the formation of the
2 district with the town clerk. Any owner of property within the boundary of the
3 proposed district may appear at the hearing and offer objections, criticisms or
4 suggestions as to the necessity of the proposed district and the question of whether
5 his or her property will be benefited by the establishment of the district. A
6 representative of the department of ~~eommerce~~ safety and professional services and
7 of the department of natural resources may attend the hearing and advise the town
8 board.

History: 1983 a. 532; 1985 a. 281; 1987 a. 77; 1993 a. 301; 1995 a. 27 ss. 3302, 3303, 9116 (5); 2001 a. 88.

9 **SECTION 193.** 61.352 (2) (b) 1. of the statutes is amended to read:

10 61.352 (2) (b) 1. A village is not required to give the notice under par. (a) at the
11 time that it issues a building permit if the village issues the building permit on a
12 standard building permit form prescribed by the department of ~~eommerce~~ safety and
13 professional services.

History: 2009 a. 373.

14 **SECTION 194.** 62.232 (2) (b) 1. of the statutes is amended to read:

15 62.232 (2) (b) 1. A city is not required to give the notice under par. (a) at the time
16 that it issues a building permit if the city issues the building permit on a standard
17 building permit form prescribed by the department of ~~eommerce~~ safety and
18 professional services.

History: 2009 a. 373.

19 **SECTION 195.** 73.0301 (1) (b) of the statutes is amended to read:

20 73.0301 (1) (b) "Credentialing board" means a board, examining board or
21 affiliated credentialing board in the department of ~~regulation and licensing~~ safety
22 and professional services that grants a credential.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

23 **SECTION 196.** 73.0301 (1) (e) of the statutes is amended to read:

1 73.0301 (1) (e) "Licensing department" means the department of
2 administration; the board of commissioners of public lands; the department of
3 commerce; the department of children and families; the government accountability
4 board; the department of financial institutions; the department of health services;
5 the department of natural resources; the department of public instruction; the
6 department of ~~regulation and licensing~~ safety and professional services; the
7 department of workforce development; the office of the commissioner of insurance;
8 or the department of transportation.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

9 **SECTION 197.** 73.0301 (1) (e) of the statutes is amended to read:

10 73.0301 (1) (e) "Licensing department" means the department of
11 administration; the board of commissioners of public lands; ~~the department of~~
12 ~~commerce~~; the department of children and families; the government accountability
13 board; the department of financial institutions; the department of health services;
14 the department of natural resources; the department of public instruction; the
15 department of regulation and licensing; the department of safety and professional
16 development; the department of workforce development; the office of the
17 commissioner of insurance; or the department of transportation.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

18 **SECTION 198.** 73.0301 (2) (a) 1. of the statutes is amended to read:

19 73.0301 (2) (a) 1. Request the department of revenue to certify whether an
20 applicant for a license or license renewal or continuation is liable for delinquent
21 taxes. With respect to an applicant for a license granted by a credentialing board,
22 the department of ~~regulation and licensing~~ safety and professional services shall

1 make a request under this subdivision. This subdivision does not apply to the
2 department of transportation with respect to licenses described in sub. (1) (d) 7.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

3 **SECTION 199.** 73.0301 (2) (a) 2. of the statutes is amended to read:

4 73.0301 (2) (a) 2. Request the department of revenue to certify whether a
5 license holder is liable for delinquent taxes. With respect to a holder of a license
6 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
7 and professional services shall make a request under this subdivision.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

8 **SECTION 200.** 73.0301 (2) (b) 1. a. of the statutes is amended to read:

9 73.0301 (2) (b) 1. a. If, after a request is made under par. (a) 1. or 2., the
10 department of revenue certifies that the license holder or applicant for a license or
11 license renewal or continuation is liable for delinquent taxes, revoke the license or
12 deny the application for the license or license renewal or continuation. The
13 department of transportation may suspend licenses described in sub. (1) (d) 7. in lieu
14 of revoking those licenses. A suspension, revocation or denial under this subd. 1. a.
15 is not subject to administrative review or, except as provided in subd. 2. and sub. (5)
16 (am), judicial review. With respect to a license granted by a credentialing board, the
17 department of ~~regulation and licensing~~ safety and professional [✓]services shall make
18 a revocation or denial under this subd. 1. a. With respect to a license to practice law,
19 the department of revenue shall not submit a certification under this subd. 1. a. to
20 the supreme court until after the license holder or applicant has exhausted his or her
21 remedies under sub. (5) (a) and (am) or has failed to make use of such remedies.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

22 **SECTION 201.** 73.0301 (2) (b) 1. b. of the statutes is amended to read:

1 73.0301 (2) (b) 1. b. Mail a notice of suspension, revocation or denial under
2 subd. 1. a. to the license holder or applicant. The notice shall include a statement
3 of the facts that warrant the suspension, revocation or denial and a statement that
4 the license holder or applicant may, within 30 days after the date on which the notice
5 of denial, suspension or revocation is mailed, file a written request with the
6 department of revenue to have the certification of tax delinquency on which the
7 suspension, revocation or denial is based reviewed at a hearing under sub. (5) (a).
8 With respect to a license granted by a credentialing board, the department of
9 ~~regulation and licensing~~ [✓] safety and professional services shall mail a notice under
10 this subd. 1. b. With respect to a license to practice law, the department of revenue
11 shall mail a notice under this subd. 1. b. and the notice shall indicate that the license
12 holder or applicant may request a hearing under sub. (5) (a) and (am) and that the
13 department of revenue shall submit a certificate of delinquency to suspend, revoke,
14 or deny a license to practice law to the supreme court after the license holder or
15 applicant has exhausted his or her remedies under sub. (5) (a) and (am) or has failed
16 to make use of such remedies. A notice sent to a person who holds a license to practice
17 law or who is an applicant for a license to practice law shall also indicate that the
18 department of revenue may not submit a certificate of delinquency to the supreme
19 court if the license holder or applicant pays the delinquent tax in full or enters into
20 an agreement with the department of revenue to satisfy the delinquency.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

21 **SECTION 202.** 73.0301 (2) (b) 2. of the statutes is amended to read:

22 73.0301 (2) (b) 2. Except as provided in subd. 2m., if notified by the department
23 of revenue that the department of revenue has affirmed a certification of tax
24 delinquency after a hearing under sub. (5) (a), affirm a suspension, revocation or

1 denial under subd. 1. a. A license holder or applicant may seek judicial review under
2 ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane
3 County, of an affirmation of a revocation or denial under this subdivision. With
4 respect to a license granted by a credentialing board, the department of ~~regulation~~
5 ~~and licensing~~ safety and professional[✓] services shall make an affirmation under this
6 subdivision.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

7 **SECTION 203.** 73.0301 (2) (b) 3. of the statutes is amended to read:

8 73.0301 (2) (b) 3. If a person submits a nondelinquency certificate issued under
9 sub. (5) (b) 1., reinstate the license or grant the application for the license or license
10 renewal or continuation, unless there are other grounds for suspending or revoking
11 the license or for denying the application for the license or license renewal or
12 continuation. If reinstatement is required under this subdivision, a person is not
13 required to submit a new application or other material or to take a new test. No
14 separate fee may be charged for reinstatement of a license under this subdivision.
15 With respect to a license granted by a credentialing board, the department of
16 ~~regulation and licensing~~ safety and professional[✓] services shall reinstate a license or
17 grant an application under this subdivision.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

18 **SECTION 204.** 73.0301 (2) (b) 4. of the statutes is amended to read:

19 73.0301 (2) (b) 4. If a person whose license has been suspended or revoked or
20 whose application for a license or license renewal or continuation has been denied
21 under subd. 1. a. submits a nondelinquency certificate issued under sub. (3) (a) 2.,
22 reinstate the license or grant the person's application for the license or license
23 renewal or continuation, unless there are other grounds for not reinstating the

1 license or for denying the application for the license or license renewal or
2 continuation. With respect to a license granted by a credentialing board, the
3 department of ~~regulation and licensing~~ safety and professional services shall
4 reinstate a license or grant an application under this subdivision.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405.

5 **SECTION 205.** 77.22 (2) (d) of the statutes is amended to read:

6 77.22 (2) (d) If the real estate transferred is not subject to certification under
7 s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4)
8 (c), the reason why it is not so subject or the form prescribed by the department of
9 ~~commerce~~ safety and professional services under s. 101.122 (6).

History: 1971 c. 150; 1977 c. 29; 1981 c. 20; 1985 a. 54; 1985 a. 174 ss. 1, 2, 7; 1985 a. 332; 1987 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 307; 1995 a. 27 ss. 3475m to 3476, 9116 (5); 2007 a. 219.

10 **SECTION 206.** 84.075 (1c) (a) of the statutes is amended to read:

11 84.075 (1c) (a) "Disabled veteran-owned business" means a business certified
12 by the department of ~~commerce~~ safety and professional services under s. 560.0335
13 490.02 (3).

X **NOTE:** NOTE: The cross-reference to s. 560.0335 was changed from s. 560.033 by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 560.033, as created by 2009 Wis. Act 299. **NOTE:**

History: 1983 a. 27; 1983 a. 390 ss. 4, 6; 1987 a. 27; 2009 a. 299; s. 13.92 (1) (bm) 2.

14 **SECTION 207.** 84.075 (1c) (b) of the statutes is amended to read:

15 84.075 (1c) (b) "Minority business" means a business certified by the
16 department of ~~commerce~~ safety and professional services under s. 560.036 490.04 (2).

History: 1983 a. 27; 1983 a. 390 ss. 4, 6; 1987 a. 27; 2009 a. 299; s. 13.92 (1) (bm) 2.

17 **SECTION 208.** 84.075 (3) of the statutes is amended to read:

18 84.075 (3) The department shall at least semiannually, or more often if
19 required by the department of administration, report to the department of
20 administration the total amount of money it has paid to contractors, subcontractors,
21 and vendors that are minority businesses and that are disabled veteran-owned
22 businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of contacts with

minority businesses and disabled veteran-owned businesses in connection with proposed purchases and contracts. In its reports, the department shall include only amounts paid to businesses certified by the department of ~~commerce~~ safety and professional services as minority businesses or disabled veteran-owned businesses.

NOTE: NOTE: This section is shown as affected eff. 11-1-10 by 2009 Wis. Act 299. Prior to 11-1-10 it reads:NOTE:

84.075 Contracting with minority businesses. (1) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06 and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that 5% of the total amount expended in each fiscal year is paid to contractors, subcontractors and vendors which are minority businesses, as defined under s. 560.036 (1) (e) 1. In attempting to meet this goal, the department may award any contract to a minority business that submits a qualified responsible bid that is no more than 5% higher than the low bid.

(2) The contractor shall report to the department any amount of the contract paid to subcontractors and vendors which are minority businesses.

(3) The department shall at least semiannually, or more often if required by the department of administration, report to the department of administration the total amount of money it has paid to contractors, subcontractors and vendors which are minority businesses under ss. 84.01 (13), 84.06 and 84.07 and the number of contacts with minority businesses in connection with proposed purchases and contracts. In its reports, the department shall include only amounts paid to businesses certified by the department as minority businesses.

History: 1983 a. 27; 1983 a. 390 ss. 4, 6; 1987 a. 27; 2009 a. 299; s. 13.92 (1) (bm) 2.

SECTION 209. 84.076 (1) (c) of the statutes is amended to read:

84.076 (1) (c) "Minority business" has the meaning given under s. ~~560.036~~

490.04 (1) (e) 1.

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 113; 1997 a. 27; 2001 a. 16.

SECTION 210. 84.076 (1) (d) of the statutes is amended to read:

84.076 (1) (d) "Minority group member" has the meaning given under s.

~~560.036~~ 490.04 (1) (f).

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 113; 1997 a. 27; 2001 a. 16.

SECTION 211. 85.25 (2) (c) 1m. b. of the statutes is amended to read:

85.25 (2) (c) 1m. b. It is currently performing a useful business function as

defined in s. ~~560.036~~ 490.04 (1) (h).

History: 1987 a. 399; 1989 a. 31; 1991 a. 221; 1993 a. 112; 2001 a. 104; 2009 a. 299.

SECTION 212. 100.20 (2) (c) of the statutes is created to read:

100.20 (2) (c) 1. Notwithstanding par. (a), beginning on the effective date of this subdivision [LRB inserts date], the department may not issue any order or promulgate any rule, or enforce any order or rule, that regulates unfair methods of competition or unfair trade practices relating to any of the following activities:

a. Remodeling or otherwise improving residential or noncommercial property.

b. Basement waterproofing.

1 c. Real estate advertising. ✓

2 d. Renting of mobile home sites and sales of mobile homes. ✓

3 e. Renting of residential dwelling units and mobile homes. ✓

4 2. Beginning of the effective date of this subdivision [LRB inserts date], the
5 department of safety and professional services may promulgate rules and issue
6 orders regulating the unfair methods and practices described in ^{Subd. 1} ~~par. (e)~~ ✓

7 3. All rules promulgated by the department of agriculture, trade and consumer
8 protection regulating the unfair methods or practices as described in ^{Subd. 1} ~~par. (e)~~ that are
9 in effect on the effective date of this ^{Subdivision} ~~paragraph~~ [LRB inserts date] remain in effect
10 until their specified expiration date or until amended or repealed by the department
11 of safety and professional services. All orders issued by the department of
12 agriculture, trade and ^{Subd. 1} ~~consumer~~ protection regulating the unfair methods or
13 practices as described in ^{Subdivision} ~~par. (e)~~ that that are in effect on the effective date of this
14 ~~paragraph~~ [LRB inserts date] remain in effect until their specified expiration date
15 or until modified or rescinded by the department of safety and professional services
16 and shall be enforced by the department of safety and professional services. ✓

17 SECTION 213. Chapter 101 (title) of the statutes is amended to read:

18 CHAPTER 101

19 DEPARTMENT OF COMMERCE ^{next line} ~~SAFETY AND~~ PROFESSIONAL
20 ^{next line} SERVICES — REGULATION OF INDUSTRY, BUILDINGS AND SAFETY

21 SECTION 214. 101.01 (1m) of the statutes is amended to read:

22 101.01 (1m) "Department" means the department of ~~commerce~~ [✓] safety and
23 professional services.

24 SECTION 215. 101.01 (14) of the statutes is amended to read:

1 101.01 (14) "Secretary" means the secretary of ~~commerce~~ safety and
2 professional services.

History: 1971 c. 185 ss. 1, 5; 1971 c. 228 ss. 15, 44; 1975 c. 413, 421; 1977 c. 29; 1983 a. 189 ss. 142, 143, 329 (4); 1985 a. 135 s. 83 (3); 1987 a. 161; 1993 a. 27, 184, 327; 1995 a. 27 ss. 3611 to 3629, 9116 (5); 1997 a. 237; 1999 a. 9; 2001 a. 16; 2007 a. 20.

3 **SECTION 216.** 101.02 (18m) of the statutes is amended to read:

4 101.02 (18m) The department may perform, or contract for the performance
5 of, testing of petroleum products other than testing provided under ch. 168. The
6 department may establish a schedule of fees for such petroleum product testing
7 services. The department shall credit all revenues received from fees established
8 under this subsection to the appropriation account under s. ~~20.143(3)~~ 20.165(2) (ga).
9 Revenues from fees established under this subsection may be used by the
10 department to pay for testing costs, including laboratory supplies and equipment
11 amortization, for such products.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

12 **SECTION 217.** 101.02 (20) (b) of the statutes is amended to read:

13 101.02 (20) (b) Except as provided in par. (e), the department of ~~commerce~~
14 safety and professional services may not issue or renew a license unless each
15 applicant who is an individual provides the department of ~~commerce~~ safety and
16 professional services with his or her social security number and each applicant that
17 is not an individual provides the department of ~~commerce~~ safety and professional
18 services with its federal employer identification number. The department of
19 ~~commerce~~ safety and professional services may not disclose the social security
20 number or the federal employer identification number of an applicant for a license
21 or license renewal except to the department of revenue for the sole purpose of
22 requesting certifications under s. 73.0301.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

1 **SECTION 218.** 101.02 (20) (c) of the statutes is amended to read:

2 101.02 (20) (c) The department of ~~commerce~~ safety and professional services ✓
3 may not issue or renew a license if the department of revenue certifies under s.
4 73.0301 that the applicant or licensee is liable for delinquent taxes.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

5 **SECTION 219.** 101.02 (20) (d) of the statutes is amended to read:

6 101.02 (20) (d) The department of ~~commerce~~ safety and professional services ✓
7 shall revoke a license if the department of revenue certifies under s. 73.0301 that the
8 licensee is liable for delinquent taxes.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

9 **SECTION 220.** 101.02 (21) (b) of the statutes is amended to read:

10 101.02 (21) (b) As provided in the memorandum of understanding under s.
11 49.857 and except as provided in par. (e), the department of ~~commerce~~ safety and ✓
12 professional services may not issue or renew a license unless the applicant provides
13 the department of ~~commerce~~ safety and professional services ✓ with his or her social
14 security number. The department of ~~commerce~~ safety and professional services ✓ may
15 not disclose the social security number except that the department of ~~commerce~~
16 safety and professional services ✓ may disclose the social security number of an
17 applicant for a license under par. (a) or a renewal of a license under par. (a) to the
18 department of children and families for the sole purpose of administering s. 49.22.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

19 **SECTION 221.** 101.02 (21) (e) 1. of the statutes is amended to read:

20 101.02 (21) (e) 1. If an applicant who is an individual does not have a social
21 security number, the applicant, as a condition of applying for or applying to renew
22 a license shall submit a statement made or subscribed under oath or affirmation to

1 the department of ~~commerce~~ safety and professional services that the applicant does
2 not have a social security number. The form of the statement shall be prescribed by
3 the department of children and families.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373.

4 **SECTION 222.** 101.143 (2) (d) of the statutes is amended to read:

5 101.143 (2) (d) The department shall reserve a portion, not to exceed 20%, of
6 the amount annually appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) for awards under
7 this section to be used to fund emergency remedial action and claims that exceed the
8 amount initially anticipated.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240.

9 **SECTION 223.** 101.143 (2) (L) of the statutes is amended to read:

10 101.143 (2) (L) The department may promulgate rules for the assessment and
11 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and
12 for providing other assistance requested by applicants under this section. Any
13 moneys collected under this paragraph shall be credited to the appropriation account
14 under s. ~~20.143 (3)~~ 20.165 (2) (Lm).

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240.

15 **SECTION 224.** 101.143 (4) (a) 6. of the statutes is amended to read:

16 101.143 (4) (a) 6. In any fiscal year, the department may not award more than
17 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for
18 petroleum product storage systems described in par. (ei).

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240.

19 **SECTION 225.** 101.143 (4) (a) 7. of the statutes is amended to read:

20 101.143 (4) (a) 7. In any fiscal year, the department may not award more than
21 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for

1 petroleum product storage systems that are owned by school districts and that are
2 used for storing heating oil for consumptive use on the premises where stored.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240.

3 **SECTION 226.** 101.149 (6) (b) of the statutes is amended to read:

4 101.149 (6) (b) The department shall promulgate rules, in consultation with
5 the department of health services, under which the department of ~~commerce~~ safety
6 and professional services shall authorize certified heating, ventilating, and air
7 conditioning inspectors to conduct regular inspections of sealed combustion units, as
8 required under par. (5) (c), for carbon monoxide emissions in residential buildings
9 other than hotels, tourist rooming houses, and bed and breakfast establishments.
10 The rules shall specify conditions under which it may issue orders as specified under
11 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and
12 professional services to authorize inspection of sealed combustion units during the
13 period in which the sealed combustion units are covered by a manufacturer's
14 warranty against defects.

History: 2007 a. 20 s. 9121 (6) (a); 2007 a. 205.

15 **SECTION 227.** 101.149 (8) (a) of the statutes is amended to read:

16 101.149 (8) (a) If the department of ~~commerce~~ safety and professional services
17 or the department of health services determines after an inspection of a building
18 under this section or s. 254.74 (1g) that the owner of the building has violated sub.
19 (2) or (3), the respective department shall issue an order requiring the person to
20 correct the violation within 5 days or within such shorter period as the respective
21 department determines is necessary to protect public health and safety. If the person
22 does not correct the violation within the time required, he or she shall forfeit \$50 for

1 each day of violation occurring after the date on which the respective department
2 finds that the violation was not corrected.

History: 2007 a. 20 s. 9121 (6) (a); 2007 a. 205.

3 **SECTION 228.** 101.563 (2) (b) 1. of the statutes is amended to read:

4 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
5 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall
6 compile the fire department dues paid by all insurers under s. 601.93 and the dues
7 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573
8 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and
9 certify to the secretary of administration the proper amount to be paid from the
10 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled
11 to a proportionate share of fire department dues as provided under sub. (1) (b) and
12 s. 101.575. If the department has previously certified an amount to the secretary of
13 administration under s. 101.573 (3) (a) during calendar year 2002, the department
14 shall recertify the amount in the manner provided under this subdivision. On or
15 before August 1, 2002, the secretary of administration shall pay the amounts
16 certified or recertified by the department under this subdivision to each city, village,
17 and town entitled to a proportionate share of fire department dues as provided under
18 sub. (1) and s. 101.575. The secretary of administration may combine any payment
19 due under this subdivision with any amount due to be paid on or before August 1,
20 2002, to the same city, village, or town under par. (a).

History: 2001 a. 109; 2003 a. 33, 321, 327.

21 **SECTION 229.** 101.563 (2) (b) 2. of the statutes is amended to read:

22 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
23 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this
24 subdivision, on or before May 1 in each year, the department shall compile the fire

department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the secretary of administration the proper amount to be paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled to a proportionate share of fire department dues as provided under sub. (1) (b) and s. 101.575. Annually, on or before August 1, the secretary of administration shall pay the amounts certified by the department to each such city, village, and town. This paragraph applies only to payment of a proportionate share of fire department dues collected for calendar years 2002 to 2004.

History: 2001 a. 109; 2003 a. 33, 321, 327.

SECTION 230. 101.573 (3) (a) of the statutes is amended to read:

101.573 (3) (a) On or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5% and certify to the secretary of administration the proper amount to be paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, or town entitled to fire department dues under s. 101.575. Annually, on or before August 1, the secretary of administration shall pay the amounts certified by the department to the cities, villages and towns eligible under s. 101.575.

History: 1981 c. 20 s. 1752; Stats. 1981 s. 101.58; 1981 c. 364 s. 3; Stats. 1981 s. 101.573; 1987 a. 27; 1995 a. 27; 2001 a. 109; 2003 a. 33, 219.

SECTION 231. 101.573 (5) of the statutes is amended to read:

101.573 (5) The department shall promulgate a rule defining "administrative expenses" for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

History: 1981 c. 20 s. 1752; Stats. 1981 s. 101.58; 1981 c. 364 s. 3; Stats. 1981 s. 101.573; 1987 a. 27; 1995 a. 27; 2001 a. 109; 2003 a. 33, 219.

SECTION 232. 101.657 (5) of the statutes is amended to read:

101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning with fiscal year 2005-06, the department shall allocate \$100,000 annually for the

1 contract required under sub. (2) and at least \$600,000 annually for the contract
2 required under sub. (3).

History: 2005 a. 25 ss. 1830e to 1830m.

3 **SECTION 233.** 101.935 (2) (e) of the statutes is amended to read:
4 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department
5 of health services in the administration of s. 254.47, applies to an agent for the
6 department of ~~commerce~~ safety and professional services in the administration of
7 this section.

History: 1991 a. 39; 1993 a. 16, 27, 491; 1995 a. 27 s. 9126 (19); 1999 a. 9 ss. 64g to 64r; Stats. 1999 s. 101.935; 1999 a. 53; 2001 a. 16; 2005 a. 45; 2007 a. 11; 2007 a. 20 s. 9121 (6) (a).

8 **SECTION 234.** 101.951 (7) (a) of the statutes is amended to read:
9 101.951 (7) (a) The department of ~~commerce~~ safety and professional services
10 may, without notice, deny the application for a license within 60 days after receipt
11 thereof by written notice to the applicant, stating the grounds for the denial. Within
12 30 days after such notice, the applicant may petition the department of
13 administration to conduct a hearing to review the denial, and a hearing shall be
14 scheduled with reasonable promptness. The division of hearings and appeals shall
15 conduct the hearing. This paragraph does not apply to denials of applications for
16 licenses under s. 101.02 (21).

History: 1999 a. 9, 53, 185; 2003 a. 321; 2005 a. 45.

17 **SECTION 235.** 101.951 (7) (b) of the statutes is amended to read:
18 101.951 (7) (b) No license may be suspended or revoked except after a hearing
19 thereon. The department of ~~commerce~~ safety and professional services shall give the
20 licensee at least 5 days' notice of the time and place of the hearing. The order
21 suspending or revoking such license shall not be effective until after 10 days' written
22 notice thereof to the licensee, after such hearing has been had; except that the
23 department of ~~commerce~~ safety and professional services, when in its opinion the

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1 best interest of the public or the trade demands it, may suspend a license upon not
2 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the
3 suspension of the license. Matters involving suspensions and revocations brought
4 before the department of ~~commerce~~ [✓] safety and professional services shall be heard
5 and decided upon by the department of administration. The division of hearings and
6 appeals shall conduct the hearing. This paragraph does not apply to licenses that
7 are suspended or revoked under s. 101.02 (21).

History: 1999 a. 9, 53, 185; 2003 a. 321; 2005 a. 45.

8 **SECTION 236.** 101.951 (7) (c) of the statutes is amended to read:

9 101.951 (7) (c) The department of ~~commerce~~ [✓] safety and professional services
10 may inspect the pertinent books, records, letters and contracts of a licensee. The
11 actual cost of each such examination shall be paid by such licensee so examined
12 within 30 days after demand therefor by the department, and the department may
13 maintain an action for the recovery of such costs in any court of competent
14 jurisdiction.

History: 1999 a. 9, 53, 185; 2003 a. 321; 2005 a. 45.

15 **SECTION 237.** 101.953 (1) (a) of the statutes is amended to read:

16 101.953 (1) (a) A statement that the manufactured home meets those
17 standards prescribed by law or administrative rule of the department of
18 administration or of the department of ~~commerce~~ [✓] safety and professional services
19 that are in effect at the time of the manufacture of the manufactured home.

History: 1999 a. 9, 53, 185.

20 **SECTION 238.** 101.973 (8) of the statutes is amended to read:

21 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the
22 appropriation under s. ~~20.143 (3)~~ [✓] 20.165 (2) (j).

History: 1991 a. 269; 1995 a. 27.

23 **SECTION 239.** 106.20 (1) (e) of the statutes is amended to read:

✓ ✓

1 106.20 (1) (e) "Minority business" has the meaning given in s. 560.036 490.04
2 (1) (e).

History: 1987 a. 399; 1989 a. 31, 336; 1991 a. 32, 39, 315; 1993 a. 16, 213, 243, 491; 1995 a. 27 s. 3720; Stats. 1995 s. 106.20.

3 **SECTION 240.** 106.30 (2) of the statutes is amended to read:

4 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
5 workforce development shall develop and submit to the department of ~~regulation~~
6 ~~and licensing~~ safety and professional services a survey form to gather data under s.
7 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
8 supply of, demand for, and turnover among nurses in this state and in determining
9 whether there are any regional shortages of nurses, shortages of nurses in any
10 speciality areas, or impediments to entering the nursing profession in this state.

History: 2009 a. 28.

11 **SECTION 241.** 106.30 (5) (a) of the statutes is amended to read:

12 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
13 department of workforce development shall award grants equal to the amount
14 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
15 a nonprofit statewide nursing center that is comprised of and led by nurses and that
16 has demonstrated coordination with constituent groups within the nursing
17 community, including professional nursing organizations; organizations
18 representing nurse educators, staff nurses, and nurse managers or executives; labor
19 organizations representing nurses; the department of ~~regulation and licensing~~
20 safety and professional services; the department of health services; and legislators
21 who are concerned with issues affecting the nursing profession.

History: 2009 a. 28.

22 **SECTION 242.** 106.30 (5) (b) of the statutes is amended to read:

23 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
24 shall use the grant moneys to develop strategies to ensure that there is a nursing

workforce that is adequate to meet the current and future health care needs of this state. The statewide nursing center may use those moneys to fund activities that are aimed at ensuring such a nursing workforce, including monitoring trends in the applicant pool for nursing education programs; evaluating the effectiveness of nursing education programs in increasing access to those programs and in enhancing career mobility for nurses, especially for populations that are underrepresented in the nursing profession; and facilitating partnerships between the nursing community and other health care providers, the department of ~~regulation and licensing~~ [✓] safety and professional services, the business community, the legislature, and educators to promote diversity within the nursing profession, enhance career mobility and leadership development for nurses, and achieve consensus regarding policies aimed at ensuring an adequate nursing workforce in this state.

History: 2009 a. 28.

SECTION 243. 106.50 (6) (a) 3. of the statutes is amended to read:

106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an interested person, by the department of workforce development under par. (b) or, if the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~ [✓] safety and professional services. The department of workforce development shall, upon request, provide appropriate assistance in completing and filing complaints.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 30 s. 108; 2001 a. 109; 2005 a. 25; 2007 a. 11; 2009 a. 95.

SECTION 244. 106.50 (6) (b) of the statutes is amended to read:

106.50 (6) (b) *Powers and duties of department.* The department of workforce development and its duly authorized agents may hold hearings, subpoena witnesses, take testimony and make investigations as provided in this subsection. The

1 department of workforce development may test and investigate for the purpose of
2 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
3 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
4 of ~~commerce~~ safety and professional services may make, sign and file complaints
5 alleging violations of sub. (2r) (c). The department of workforce development shall
6 employ examiners to hear and decide complaints of discrimination under this
7 section, and to assist in the administration of this section. The examiners may make
8 findings and issue orders under this subsection. The department of workforce
9 development shall develop and implement an investigation manual for use in
10 conducting investigations under par. (c).

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 30 s. 108; 2001 a. 109; 2005 a. 25; 2007 a. 11; 2009 a. 95.

11 **SECTION 245.** 107.30 (4) of the statutes is amended to read:

12 107.30 (4) "Department" means the department of ~~commerce~~ safety and
13 professional services.

History: 1979 c. 353; 1995 a. 27, ss. 3776 and 9116 (5); 1995 a. 227; 2003 a. 33.

14 **SECTION 246.** 107.30 (10) of the statutes is amended to read:

15 107.30 (10) "Mining damage appropriation" means the appropriation under s.
16 20.143 (3) 20.165 (2) (a).

History: 1979 c. 353; 1995 a. 27, ss. 3776 and 9116 (5); 1995 a. 227; 2003 a. 33.

17 **SECTION 247.** ~~107.30 (10) of the statutes is amended to read:~~

18 **SECTION 248.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

19 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
20 is calculated by subtracting the total amount of all mining damages awards paid
21 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
22 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

History: 1979 c. 353; 1981 c. 86; 1997 a. 27; 2003 a. 33.

23 **SECTION 249.** 108.02 (21e) of the statutes is amended to read:

1 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
2 employer organization" means any person who is currently registered as a
3 professional employer organization with the department of ~~regulation and licensing~~
4 safety and professional services in accordance with ch. 461, who contracts to provide
5 the nontemporary, ongoing employee workforce of more than one client under a
6 written leasing contract, the majority of whose clients are not under the same
7 ownership, management, or control as the person other than through the terms of
8 the contract, and who under contract and in fact:

History: 1971 c. 53; 1971 c. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40; 1977 c. 29, 133; 1979 c. 52, 221; 1981 c. 36, 353; 1983 a. 8 ss. 4 to 12, 54; 1983 a. 168; 1983 a. 189 ss. 158 to 161, 329 (25), (28); 1983 a. 384, 477, 538; 1985 a. 17, 29, 332; 1987 a. 38 ss. 6 to 22, 134; 1987 a. 255; 1989 a. 31; 1989 a. 56 ss. 151, 259; 1989 a. 77, 303; 1991 a. 89; 1993 a. 112, 213, 373, 492; 1995 a. 27 ss. 3777, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 27, 39; 1999 a. 15, 82, 83; 2001 a. 35, 103, 105; 2003 a. 197; 2005 a. 25, 86, 149, 441; 2007 a. 20 s. 9121 (6) (a); 2007 a. 59; 2009 a. 180, 287.

9 **SECTION 250.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

10 115.33 (2) (a) (intro.) The state superintendent may request the department
11 of ~~commerce~~ safety and professional services to inspect a public school if any of the
12 following occurs:

History: 1989 a. 31; 1993 a. 450; 1995 a. 27 ss. 3867 to 3870, 9116 (5) and 9145 (1); 1997 a. 27, 310.

13 **SECTION 251.** 115.33 (2) (b) of the statutes is amended to read:

14 115.33 (2) (b) The department of ~~commerce~~ safety and professional services
15 shall inspect the school within 30 days after receiving a request from the state
16 superintendent under par. (a).

History: 1989 a. 31; 1993 a. 450; 1995 a. 27 ss. 3867 to 3870, 9116 (5) and 9145 (1); 1997 a. 27, 310.

17 **SECTION 252.** 115.33 (3) (a) of the statutes is amended to read:

18 115.33 (3) (a) If the state superintendent determines that a school is not in
19 compliance, and the department of ~~commerce~~ safety and professional services, based
20 on its inspection of the school, concurs in the determination, the state
21 superintendent may order the school board to repair, improve, remodel or close the

1 school by a stated date. An order issued under this paragraph constitutes a
2 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

History: 1989 a. 31; 1993 a. 450; 1995 a. 27 ss. 3867 to 3870, 9116 (5) and 9145 (1); 1997 a. 27, 310.

3 **SECTION 253.** 115.33 (3) (b) 1. of the statutes is amended to read:

4 115.33 (3) (b) 1. If the state superintendent determines that a school is not in
5 compliance and is not worth repairing, and the department of ~~commerce~~ [✓] safety and
6 professional services, based on its inspection of the school, concurs in the
7 determination, the state superintendent may order the school board to develop a
8 plan that describes how the school board will achieve compliance with the standard
9 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with
10 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall
11 hold a public hearing on the plan in the school district and may, as a result of the
12 hearing, recommend changes to the plan. The state superintendent may withhold
13 up to 25% of the school district's state aid if the school district fails to achieve
14 compliance with the standard under s. 121.02 (1) (i) within the period specified in the
15 plan.

History: 1989 a. 31; 1993 a. 450; 1995 a. 27 ss. 3867 to 3870, 9116 (5) and 9145 (1); 1997 a. 27, 310.

16 **SECTION 254.** 118.07 (2) (b) of the statutes is amended to read:

17 118.07 (2) (b) In each community having a recognized fire department, the
18 person having direct charge of any public or private school shall annually file a report
19 pertaining to such drills, on a form furnished by the department of ~~commerce~~ [✓] safety
20 and professional ^{e services} safety with the chief of the fire department. When no fire drill is
21 held during any month, or when only one or no tornado or other hazard drill is held
22 in a year, the person having direct charge of the school shall state the reasons in the
23 report.

History: 1971 c. 164 s. 85; 1975 c. 39; 1981 c. 373; 1987 a. 27; 1995 a. 27 ss. 3938, 9116 (5); 2005 a. 220, 221; 2007 a. 79, 97; 2009 a. 28 ss. 2258m, 2258n, 2297n; 2009 a. 44, 302; 2009 a. 309 ss. 3, 4, 15; s. 13.92 (1) (bm) 2.

1 **SECTION 255.** 118.135 (2) of the statutes is amended to read:

2 118.135 (2) A pupil who complies with a request under sub. (1) shall provide
3 evidence of an eye examination or evaluation by December 31 following the pupil's
4 enrollment in kindergarten. The school board or charter school shall provide pupils
5 with the form distributed by the department of ~~regulation and licensing~~ safety and
6 professional services under s. 440.03 (16) for that purpose.

History: 2001 a. 16.

7 **SECTION 256.** 119.495 (2) of the statutes is amended to read:

8 119.495 (2) The board shall include in its budget transmitted to the common
9 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing
10 to be authorized in the budget for the ensuing year. The common council shall issue
11 the notes and levy a direct annual irrevocable tax sufficient to pay the principal and
12 interest on the notes as they become due. The common council may issue the notes
13 by private sale. The common council shall make every effort to involve a minority
14 investment firm certified under s. 560.036 490.04 as managing underwriter of the
15 notes or to engage a minority financial adviser certified under s. 560.036 490.04 to
16 advise the city regarding any public sale of the notes.

History: 1989 a. 31; 1991 a. 314.

17 **SECTION 257.** 119.496 (2) of the statutes is amended to read:

18 119.496 (2) The board shall include in its budget transmitted to the common
19 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing
20 to be authorized in the budget for the ensuing year. The common council shall issue
21 the notes and levy a direct annual irrevocable tax sufficient to pay the principal and
22 interest on the notes as they become due. The common council may issue the notes
23 by private sale. The common council shall establish goals of involving minority
24 investment firms certified under s. 560.036 490.04 as managing underwriters for at

1 least 50% of the total amount financed by the notes and of engaging a minority
2 financial adviser certified under s. ~~560.036~~ [✓] 490.04 [✓] to advise the city regarding any
3 public sale of the notes.

History: 1991 a. 314; 1997 a. 113.

4 **SECTION 258.** 145.01 (4) of the statutes is amended to read:

5 145.01 (4) DEPARTMENT. "Department" means the department of commerce
6 safety and professional services.

History: 1971 c. 255; 1977 c. 314; 1979 c. 34, 221; 1981 c. 20; 1983 a. 189, 410, 538; 1991 a. 39; 1993 a. 213, 322; 1995 a. 27 ss. 4355 and 9116 (5); 1995 a. 227; 2009 a. 200, 291.

7 **SECTION 259.** 145.02 (4) (a) of the statutes is amended to read:

8 145.02 (4) (a) The department shall prescribe rules as to the qualifications,
9 examination and licensing of master and journeyman plumbers and restricted
10 plumber licensees, for the licensing of utility contractors, for the registration of
11 plumbing apprentices and pipe layers and for the registration and training of
12 registered learners. The plumbers council, created under s. ~~15.157 (6)~~ [✓] 15.407 (16) [✓],
13 shall advise the department in formulating the rules.

History: 1971 c. 194; 1973 c. 90; 1975 c. 39; 1977 c. 275, 314; 1979 c. 34, 221; 1981 c. 341; 1983 a. 410; 1993 a. 27, 213, 322; 1995 a. 27.

14 **SECTION 260.** 145.17 (2) of the statutes is amended to read:

15 145.17 (2) The department shall prescribe rules as to the qualifications,
16 examination and licensing of journeymen automatic fire sprinkler system fitters and
17 automatic fire sprinkler contractors and for the registration and training of
18 automatic fire sprinkler system apprentices. The automatic fire sprinkler system
19 contractors and journeymen council, created under s. ~~15.157 (9)~~ [✓] 15.407 (17) [✓], shall
20 advise the department in formulating the rules.

History: 1971 c. 255; 1979 c. 102, 221; 1995 a. 27.

21 **SECTION 261.** 145.20 (5) (c) of the statutes is amended to read:

22 145.20 (5) (c) The department of natural resources may suspend or revoke a
23 license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the

1 operator of a septage servicing vehicle if the department of natural resources finds
2 that the licensee or operator falsified information on inspection forms. The
3 department of ~~commerce~~ safety and professional services may suspend or revoke the
4 license of a plumber licensed under this chapter if the department finds that the
5 plumber falsified information on inspection forms.

History: 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227; 1999 a. 150 s. 672; 2005 a. 347 ss. 12, 14; 2007 a. 197; 2009 a. 392.

6 **SECTION 262.** 145.245 (12m) (e) of the statutes is amended to read:

7 145.245 (12m) (e) The department of ~~commerce~~ safety and professional
8 services and the department of administration may enter into a financial assistance
9 agreement with a governmental unit that applies for a loan under this subsection
10 and meets the eligibility requirements for a loan, including the requirements under
11 par. (d).

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a. 169, 326; 2005 a. 347; 2009 a. 392.

12 **SECTION 263.** 145.245 (12m) (f) of the statutes is amended to read:

13 145.245 (12m) (f) The department of administration, in consultation with the
14 department of ~~commerce~~ safety and professional services, may establish those terms
15 and conditions of a financial assistance agreement that relate to its financial
16 management, including what type of municipal obligation is required for the
17 repayment of the financial assistance. In setting the terms and conditions, the
18 department of administration may consider factors that the department of
19 administration finds are relevant, including the type of obligation evidencing the
20 loan, the pledge of security for the obligation and the applicant's creditworthiness.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a. 169, 326; 2005 a. 347; 2009 a. 392.

21 **SECTION 264.** 145.245 (12m) (g) of the statutes is amended to read:

1 145.245 (12m) (g) The department of administration shall make and disburse
2 a loan to an applicant that has entered into a financial assistance agreement under
3 par. (e). The department of administration, in consultation with the department of
4 ~~commerce~~ safety and professional services, shall establish procedures for disbursing
5 loans.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a. 169, 326; 2005 a. 347; 2009 a. 392.

6 **SECTION 265.** 145.245 (12m) (h) of the statutes is amended to read:

7 145.245 (12m) (h) If a governmental unit fails to make a principal repayment
8 after its due date, the department of administration shall place on file a certified
9 statement of all amounts due under this subsection. After consulting the
10 department of ~~commerce~~ safety and professional services, the department of
11 administration may collect all amounts due by deducting those amounts from any
12 state payments due the governmental unit or may add a special charge to the amount
13 of taxes apportioned to and levied upon the county under s. 70.60. If the department
14 of administration collects amounts due, it shall remit those amounts to the fund to
15 which they are due and notify the department of ~~commerce~~ safety and professional
16 services of that action.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a. 169, 326; 2005 a. 347; 2009 a. 392.

17 **SECTION 266.** 146.085 (3) of the statutes is amended to read:

18 146.085 (3) ENFORCEMENT. The department, the department of ~~commerce~~
19 safety and professional services and the public service commission shall enforce this
20 section within their respective jurisdictions.

History: 1971 c. 228 s. 44; 1973 c. 12 s. 37; 1975 c. 298; 1995 a. 27 ss. 4361, 9116 (5).

21 **SECTION 267.** 146.40 (4r) (em) of the statutes is amended to read:

22 146.40 (4r) (em) If the department receives a report under par. (a) or (am) and
23 determines that an individual who is the subject of the report holds a credential that

1 is related to the individual's employment at, or contract with, the entity, the
2 department shall refer the report to the department of ~~regulation and licensing~~
3 safety and professional services.

History: 1987 a. 128; 1989 a. 31, 84, 336; 1991 a. 39; 1993 a. 27, 399; 1995 a. 27; 1997 a. 27, 35, 156, 237, 252; 1999 a. 9, 22, 32; 2001 a. 74; 2007 a. 20 ss. 2862, 9121 (6) (a); 2007 a. 45, 153.

4 **SECTION 268.** 150.84 (3) of the statutes is amended to read:

5 150.84 (3) "Health care provider" means any person licensed, registered,
6 permitted or certified by the department or by the department of ~~regulation and~~
7 licensing safety and professional services to provide health care services in this state.

History: 1991 a. 250; 1993 a. 27; 1995 a. 27; 1997 a. 35; 1999 a. 9; 2005 a. 22.

8 **SECTION 269.** 153.60 (1) of the statutes is amended to read:

9 153.60 (1) The department shall, by the first October 1 after the
10 commencement of each fiscal year, estimate the total amount of expenditures under
11 this subchapter for the department for that fiscal year for data collection, database
12 development and maintenance, generation of data files and standard reports,
13 orientation and training provided under s. 153.05 (9) (a) and contracting with the
14 data organization under s. 153.05 (2r). The department shall assess the estimated
15 total amount for that fiscal year, less the estimated total amount to be received for
16 purposes of administration of this subchapter under s. 20.435 (1) (hi) during the
17 fiscal year and the unencumbered balance of the amount received for purposes of
18 administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year,
19 to health care providers, other than hospitals and ambulatory surgery centers, who
20 are in a class of health care providers from whom the department collects data under
21 this subchapter in a manner specified by the department by rule. The department
22 shall work together with the department of ~~regulation and licensing~~ safety and
23 professional services to develop a mechanism for collecting assessments from health
24 care providers other than hospitals and ambulatory surgery centers. No health care

1 provider that is not a facility may be assessed under this subsection an amount that
2 exceeds \$75 per fiscal year. All payments of assessments shall be credited to the
3 appropriation under s. 20.435 (1) (hg).

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 178; 1993 a. 16; 1997 a. 27, 231, 237; 1999 a. 9, 185, 186; 2003 a. 33; 2005 a. 25, 228; 2009 a. 274.

4 **SECTION 270.** 157.061 (5) of the statutes is amended to read:

5 157.061 (5) "Department" means the department of ~~regulation and licensing~~
6 safety and professional services.

History: 1983 a. 189; 1985 a. 316 s. 18; Stats. 1985 s. 157.061; 1989 a. 307; 1991 a. 269; 1997 a. 188; 1999 a. 32; 2005 a. 25.

7 **SECTION 271.** 157.11 (9m) of the statutes is amended to read:

8 157.11 (9m) ACTION BY DISTRICT ATTORNEY. If any money or property is not
9 turned over when required by this section, or default occurs under a bond, the district
10 attorney, upon the request of the department of ~~regulation and licensing~~ safety and
11 professional services, shall bring action to recover.

History: 1971 c. 41 s. 12; 1977 c. 449 ss. 234, 497; 1979 c. 32 s. 92 (8); 1979 c. 110 s. 60 (13); 1985 a. 200; 1985 a. 316 s. 25; 1987 a. 190; 1989 a. 307; 1991 a. 269; 1999 a. 150 s. 672; 2001 a. 30; 2005 a. 25; 2007 a. 174.

12 **SECTION 272.** 157.12 (1) of the statutes is amended to read:

13 157.12 (1) DEFINITION. Notwithstanding s. 157.061 (5), in this section,
14 "department" means the department of ~~commerce~~ safety and professional services.

History: 1971 c. 41 s. 12; 1971 c. 164; 1977 c. 449; 1979 c. 221; 1981 c. 20; 1989 a. 307; 1991 a. 269; 1995 a. 27 ss. 4402, 9116 (5); 1999 a. 150 s. 672.

15 **SECTION 273.** 157.12 (3) (b) of the statutes is amended to read:

16 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The
17 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties
18 approved by the department of ~~regulation and licensing~~ safety and professional
19 services to indemnify the cemetery against loss if the treasurer fails to maintain the
20 fund. No indemnity is required if the terms of sale of a mausoleum space require the
21 purchaser to pay directly to a trust company in the state, designated by the cemetery
22 as custodian of the fund. The fund shall be invested as provided in s. 157.19. Income
23 from investment may be used only to maintain the mausoleum, except that if the

1 amount of income exceeds the amount necessary to properly maintain the
2 mausoleum the excess amount may be used to maintain any portion of the cemetery.

History: 1971 c. 41 s. 12; 1971 c. 164; 1977 c. 449; 1979 c. 221; 1981 c. 20; 1989 a. 307; 1991 a. 269; 1995 a. 27 ss. 4402, 9116 (5); 1999 a. 150 s. 672.

3 **SECTION 274.** 157.65 (1) (a) of the statutes is amended to read:

4 157.65 (1) (a) If the department of ~~regulation and licensing~~ safety and ✓
5 professional services has reason to believe that any person is violating or has violated
6 this subchapter or any rule promulgated under this subchapter and that the
7 continuation of that activity might cause injury to the public interest, the
8 department of ~~regulation and licensing~~ safety and professional services ✓ may
9 investigate.

History: 1989 a. 307; 1995 a. 27 ss. 4405, 4406, 9116 (5); 2005 a. 25.

10 **SECTION 275.** 157.65 (1) (b) of the statutes is amended to read:

11 157.65 (1) (b) If the department of ~~commerce~~ safety and professional ✓
12 responsibility ^{e services} has reason to believe that any person is violating s. 157.12 or any rule
13 promulgated under s. 157.12 and that the continuation of that activity might cause
14 injury to the public interest, the department of commerce may investigate.

History: 1989 a. 307; 1995 a. 27 ss. 4405, 4406, 9116 (5); 2005 a. 25.

15 **SECTION 276.** 157.65 (2) of the statutes is amended to read:

16 157.65 (2) The department of justice or any district attorney, upon informing
17 the department of justice, may commence an action in circuit court in the name of
18 the state to restrain by temporary or permanent injunction any violation of this
19 subchapter. The court may, prior to entry of final judgment, make such orders or
20 judgments as may be necessary to restore to any person any pecuniary loss suffered
21 because of the acts or practices involved in the action, if proof of such loss is submitted
22 to the satisfaction of the court. The department of justice may subpoena persons and
23 require the production of books and other documents, and may request the board
24 described in s. 15.405 (3m) or the department of ~~commerce~~ safety and professional ✓

responsibility ^{services} to exercise its authority under sub. (1) to aid in the investigation of alleged violations of this subchapter.

History: 1989 a. 307; 1995 a. 27 ss. 4405, 4406, 9116 (5); 2005 a. 25.

SECTION 277. 165.25 (4) (ag) of the statutes is amended to read:

165.25 (4) (ag) The department of justice shall furnish legal services upon request of the department of ~~commerce~~ safety and professional services under s. 167.35 (7).

History: 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235; 2005 a. 96, 458; 2007 a. 1; 2007 a. 20 ss. 2904, 9121 (6) (a); 2007 a. 76, 79, 96, 130, 225; 2009 a. 2, 28, 42.

SECTION 278. 165.25 (4) (am) of the statutes is amended to read:

165.25 (4) (am) The department of justice shall furnish legal services to the department of ~~regulation and licensing~~ safety and professional services in all proceedings under s. 440.21 (3), together with any other services, including stenographic and investigational, as are necessarily connected with the legal services.

History: 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235; 2005 a. 96, 458; 2007 a. 1; 2007 a. 20 ss. 2904, 9121 (6) (a); 2007 a. 76, 79, 96, 130, 225; 2009 a. 2, 28, 42.

SECTION 279. 165.825 of the statutes is amended to read:

165.825 Information link; department of health services. The department of justice shall cooperate with the departments of ~~regulation and licensing~~ safety and professional services and health services in developing and maintaining a computer linkup to provide access to the information obtained from a criminal history search.

History: 1997 a. 27; 2007 a. 20 s. 9121 (6) (a).

SECTION 280. 167.10 (3) (b) 2. of the statutes is amended to read:

167.10 (3) (b) 2. The possession or use of explosives in accordance with rules or general orders of the department of ~~commerce~~ safety and professional services.

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

SECTION 281. 167.10 (6m) (a) of the statutes is amended to read:

1 167.10 (6m) (a) No person may manufacture in this state fireworks or a device
2 listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license
3 issued by the department of ~~commerce~~ safety and professional services under par.
4 (d).

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

5 **SECTION 282.** 167.10 (6m) (b) of the statutes is amended to read:

6 167.10 (6m) (b) No person may manufacture in this state fireworks or a device
7 listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of
8 the department of ~~commerce~~ safety and professional services promulgated under
9 par. (e).

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

10 **SECTION 283.** 167.10 (6m) (c) of the statutes is amended to read:

11 167.10 (6m) (c) Any person who manufactures in this state fireworks or a
12 device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of
13 ~~commerce~~ safety and professional services with a copy of each federal license issued
14 under 18 USC 843 to that person.

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

15 **SECTION 284.** 167.10 (6m) (d) of the statutes is amended to read:

16 167.10 (6m) (d) The department of ~~commerce~~ safety and professional services
17 shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f)
18 or (i) to (n) to a person who complies with the rules of the department promulgated
19 under par. (e). The department may not issue a license to a person who does not
20 comply with the rules promulgated under par. (e). The department may revoke a
21 license under this subsection for the refusal to permit an inspection at reasonable

1 times by the department or for a continuing violation of the rules promulgated under
2 par. (e).

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

3 **SECTION 285.** 167.10 (6m) (e) of the statutes is amended to read:

4 167.10 (6m) (e) The department of ~~commerce~~ safety and professional services
5 shall promulgate rules to establish safety standards for the manufacture in this state
6 of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n).

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

7 **SECTION 286.** 167.10 (6m) (f) of the statutes is amended to read:

8 167.10 (6m) (f) The department of ~~commerce~~ safety and professional services
9 may inspect at reasonable times the premises on which each person licensed under
10 this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i)
11 to (n).

History: 1977 c. 260; 1983 a. 446, 538; 1985 a. 135; 1987 a. 377; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 258; 1993 a. 208, 446, 491; 1995 a. 27 ss. 4464 to 4469 and 9116 (5); 1995 a. 330; 1997 a. 3, 35, 283; 2001 a. 109; 2003 a. 298; 2007 a. 20; 2009 a. 28.

12 **SECTION 287.** 167.21 (1) (b) of the statutes is amended to read:

13 167.21 (1) (b) "Department" means the department of ~~commerce~~ safety and professional services

History: 2009 a. 390.

14 **SECTION 288.** 167.27 (5) of the statutes is amended to read:

15 167.27 (5) Whenever any mine shaft, exploration shaft or test well is
16 abandoned or its use discontinued, the operator or contractor shall promptly fill
17 same to grade or enclose the same with a fence of strong woven wire not less than 46
18 inches wide with one barbwire above or cap same with a reinforced concrete slab at
19 least 6 inches thick or with a native boulder at least 3 times the diameter of the top
20 of the shaft or test well bore. The strands of the woven wire shall not be smaller than
21 No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire;
22 the strands shall not be more than 12 inches apart, and the meshes shall not exceed
23 8 inches square. All wires must be tightly stretched and securely fastened to

1 sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect
2 to repair or rebuild such fence which the person is so required to build and maintain,
3 any person may complain to the department of ~~commerce~~ safety and professional
4 services or to the local governing body, which shall give notice in writing to the person
5 who is required to build and maintain such fence. The department of ~~commerce~~
6 safety and professional services or the local governing body shall then proceed to
7 examine the fence, and if it shall determine that such fence is insufficient, it shall
8 notify the person responsible for its erection and maintenance and direct the person
9 to repair or rebuild the fence within such time as it shall deem reasonable. Any
10 person refusing to comply with such order shall be subject to the penalties provided.

History: 1993 a. 482; 1995 a. 27 ss. 4471, 4472, 9116 (5) and 9126 (19); 2007 a. 20 s. 9121 (6) (a).

11 **SECTION 289.** 167.27 (8) of the statutes is amended to read:

12 167.27 (8) Any violation of this section coming to the attention of the
13 department of ~~commerce~~ safety and professional services or municipal authorities
14 shall be reported to the attorney general or district attorney for prosecution.

History: 1993 a. 482; 1995 a. 27 ss. 4471, 4472, 9116 (5) and 9126 (19); 2007 a. 20 s. 9121 (6) (a).

15 **SECTION 290.** 167.31 (4) (a) 4. b. of the statutes is amended to read:

16 167.31 (4) (a) 4. b. He or she holds a certificate of proficiency to carry a firearm
17 issued by the department of ~~regulation and licensing~~ safety and professional
18 services.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

19 **SECTION 291.** 167.31 (4) (a) 4. e. of the statutes is amended to read:

20 167.31 (4) (a) 4. e. His or her firearm is in plain view, as defined by rule by the
21 department of ~~regulation and licensing~~ safety and professional services.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

22 **SECTION 292.** 167.35 (1) (b) of the statutes is amended to read:

1 167.35 (1) (b) "Department" means the department of ~~commerce~~ safety and
2 professional services unless the context requires otherwise.

3 History: 2007 a. 225.

3 **SECTION 293.** 167.35 (7) (b) of the statutes is amended to read:

4 167.35 (7) (b) The department of revenue, in the course of conducting any
5 inspection or examination authorized under s. 139.39, may inspect cigarettes to
6 determine if the cigarettes are marked as provided under sub. (4), and the
7 department of revenue shall notify the department of ~~commerce~~ safety and
8 professional services of any unmarked cigarettes.

9 History: 2007 a. 225.

9 **SECTION 294.** 167.35 (7) (c) of the statutes is amended to read:

10 167.35 (7) (c) Authorized personnel from the department of justice, from the
11 department of ~~commerce~~ safety and professional services, and from the department
12 of revenue, and any sheriff, police officer, or other law enforcement personnel, within
13 their respective jurisdictions, may enter and inspect any premises where cigarettes
14 are made, sold, offered for sale, or stored to determine if the cigarettes comply with
15 this section. An inspection under this paragraph includes examining the books,
16 papers, invoices, and other records of any person who is subject to this section and
17 who is in control, possession, or occupancy of the premises.

18 History: 2007 a. 225.

18 **SECTION 295.** 168.01 (1) of the statutes is amended to read:

19 168.01 (1) "Department" means the department of ~~commerce~~ safety and
20 professional services.

21 History: 1971 c. 215; 1995 a. 27ss. 4473 and 9116 (5); 1997 a. 27; 2005 a. 25.

21 **SECTION 296.** 200.49 (1) (b) of the statutes is amended to read:

22 200.49 (1) (b) "Minority group member" has the meaning given under s.
23 ~~560.036~~ 490.04 (1) (f).

History: 1985 a. 29; 1987 a. 27; 1991 a. 39; 1993 a. 112; 1995 a. 227; 1999 a. 150 s. 592; Stats. 1999 s. 200.49.